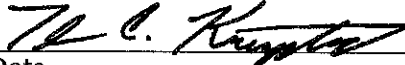
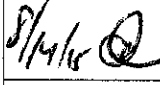
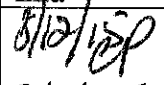
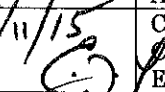




## Staff Summary

323-15

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|--|
| Subject<br>Ordinance – Franchise Towing  |
| Department<br>Nassau County Police Department  |
| Department Head Name<br>Acting Commissioner Thomas C. Krumpert   |
| Department Head Signature<br> |
| Date<br>July 17, 2015  |

| Internal Approvals  |                            |   |                                 |
|---|----------------------------|---|---------------------------------|
| Date & Init.  | Approval                   | Date & Init.  | Approval                        |
| 8/14/15  | County Executive or Deputy | 8/12/15  | Director of Legislative Affairs |
|   | Budget                     | 8/11/15  | Counsel to County Executive     |

**Purpose:** The purpose of this Ordinance is to award exclusive franchises for towing and impound services on a zone by zone basis with Nassau County.

**Discussion:** The proposed Ordinance seeks to ensure that the best possible towing operators are selected to assist the Police Department in conducting efficient investigations and to provide the citizens of Nassau County with prompt, safe and comprehensive towing services.

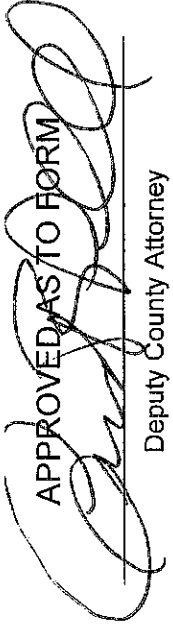
**Impact on funding:** No funding is required.

**Recommendation:** Approve as submitted.

2015 AUG 14 P 12:17  
RECEIVED  
CLERK OF THE LEGISLATURE  
NASSAU COUNTY

ORDINANCE NO. -2015

AN ORDINANCE TO PROVIDE FOR FRANCHISES FOR POLICE TOWING SERVICES.

APPROVED AS TO FORM  
  
Deputy County Attorney

RECEIVED  
NASSAU COUNTY  
CLERK OF THE COUNTY  
2015 AUG 14 P 12:17

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. Definitions

- a) "Automotive Service Providers," shall mean mechanics, garages, towing companies, body shops and any similar entities engaged in the business of transporting motor vehicles.
- b) "Commissioner" shall mean the Commissioner of the Nassau County Police Department or his designee.
- c) "Franchise" shall mean the right within a zone within the County to provide all nonconsensual police towing, consensual police towing and impound services.
- d) "Franchisee" shall mean any duly license towing company granted a franchise by the County pursuant to this ordinance. Any automotive service provider who is a duly licensed towing company may be a franchisee.

**EDWARD P. MANGANO**  
County Executive



**Carnell T. Foskey**  
County Attorney

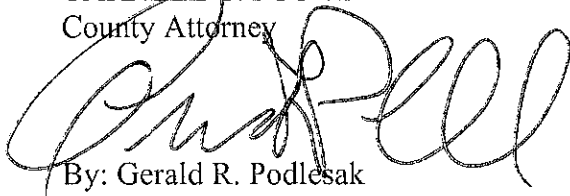
## **County of Nassau Inter-Departmental Memo**

**To:** Clerk of the County Legislature  
**From:** County Attorney  
**Date:** July 17, 2015  
**Subject:** ORDINANCE - ORIG. DEPT. – Police Department

AN ORDINANCE to provide for franchises for police towing services

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon its calendar.

**CARNELL T. FOSKEY**  
County Attorney

  
By: Gerald R. Podlesak  
Deputy County Attorney  
Appeals

Attachments

e) "Heavy duty towing" shall mean towing any vehicle with a gross vehicle weight of 10,001 pounds or more.

f) "Nonconsensual police towing" shall mean the towing of a vehicle as ordered and designated by authorized members of the Police Department, and all related services required to transport, secure and maintain such vehicle and its contents, in situations where the vehicle owner is unable or unwilling to consent to having the vehicle towed. Where an authorized member of the Police Department has directed or authorized the removal of a vehicle and the owner of the vehicle has not caused the vehicle to be removed within thirty minutes of the direction or authorization to remove, the vehicle owner shall be deemed to be unable to remove the vehicle.

g) "Consensual police towing" shall mean the towing of a vehicle that is damaged or inoperable from a street or highway when a vehicle's operator or owner is unable to acquire an authorized tow truck and requests the Police Department to assist in the removal of the vehicle.

h) "Impound services" shall mean the towing and storage of a vehicle taken into possession by the Police Department which is either abandoned, repossessed, seized, or otherwise taken into custody and/or held as evidence in the course of a police investigation and all related services required to transport, secure and maintain such vehicle and its contents.

i) "Zone" shall mean either a discrete area of the County, a particular road or highway within the County which might otherwise cut across one or more zones or a

particular type of towing requiring specialized equipment as are described in Ordinance 28-2014 as amended.

§ 2. The Commissioner is hereby authorized to award exclusive franchises to provide all towing services (consensual police towing, nonconsensual police towing and impound services) on a zone by zone basis within Nassau County. A franchisee may be awarded a franchise in more than one zone. All franchises awarded by the Commissioner shall be subject to approval by this Legislature.

§ 3. A franchise shall be awarded to the capable licensed towing company which submitted the highest sealed bid in response to the Commissioner's request for bids for a particular zone. In requesting bids, the Commissioner shall indicate the expected demand for towing services in a particular zone and the type and amount of equipment and human resources needed to meet that demand. Each bid will be accompanied by a non-refundable processing fee of \$150.00.

§ 4. In awarding a franchise, the Commissioner shall determine whether an applicant is capable of performing the work and meeting the expected demand for services in a given zone. In determining expected demand, the Commissioner shall consider traffic and the history of incidents and collisions within a given zone. In determining the capability of an applicant, the Commissioner shall consider the equipment and human resources of the applicant and its ability to meet the expected demand for towing services within a given zone twenty-four hours a day, seven days a week. The Commissioner shall also consider an applicant's experience and financial security. The Commissioner shall publish regulations regarding expectations and capabilities.

§ 5. The Commissioner shall enter into a franchise agreement with a franchisee. In the franchise agreement, the Commissioner will agree that the Police Department will call upon the franchisee as the need for towing services arises within the franchisee's zone. The franchisee shall agree to perform towing services pursuant to the call of the Police Department without delay at any hour of the day or night during any day of the week.

§ 6. Terms and conditions of franchises.

(a) All franchises granted pursuant to this ordinance shall be exclusive to a zone.

(b) All franchises granted pursuant to this ordinance shall be for a period of a minimum of one year, unless stated otherwise in the franchise agreement.

(c) All fees charged to the public for nonconsensual towing and impound services shall be pursuant to ordinance. All fees charged to the public for consensual towing will be at the prevailing rate of the appropriate town or village.

(d) This Legislature reserves the right to prescribe such other and additional terms and conditions, not in conflict with the County Charter or this ordinance, as in the judgment of the Legislature are in the public interest.

§ 7. Each franchisee awarded a franchise pursuant to this ordinance shall pay a nonrefundable franchise fee to Police Department for the term of the franchise, as set forth in the franchisee's sealed bid for a particular zone.

§ 8. Nothing in this ordinance shall be construed to restrict or prohibit the County from conducting its own towing operations or maintaining its own towing storage yard, either in lieu of, or in addition to, any franchise that is awarded pursuant to this ordinance.

§ 9. Nothing in this ordinance shall be construed to infringe upon the right of any motorist in need of towing services to utilize the licensed towing company of their choice, unless

this poses a danger to the health and safety of people or property or constitute an undue public inconvenience.

§ 10. This ordinance may be modified to allow for the correction of any typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 11. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 12. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 13. This ordinance shall take effect immediately.